

ADRMOP,CLOSED

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:17-cv-03263-VC**

Electronic Frontier Foundation v. US Department of Justice
Assigned to: Judge Vince Chhabria
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 06/07/2017
Date Terminated: 12/03/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Electronic Frontier Foundation**

represented by **Aaron David Mackey**
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
415-436-9333
Fax: 415-436-9993
Email: amackey@eff.org
ATTORNEY TO BE NOTICED

Andrew Crocker
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
(415) 436-9333
Fax: (415) 436-9993
Email: andrew@eff.org
ATTORNEY TO BE NOTICED

V.

Defendant**United States Department of Justice**

represented by **Julia Alexandra Heiman**
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
949-350-8719
Email: julia.heiman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 06/07/2017 | <u>1</u> | COMPLAINT against US Department of Justice (Filing fee \$ 400, receipt number 0971-11450954.). Filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Civil Cover Sheet)(Crocker, Andrew) (Filed on 6/7/2017) (Entered: 06/07/2017) |
| 06/07/2017 | <u>2</u> | Proposed Summons. (Crocker, Andrew) (Filed on 6/7/2017) (Entered: 06/07/2017) |
| 06/07/2017 | <u>3</u> | Certificate of Interested Entities by Electronic Frontier Foundation (Crocker, Andrew) (Filed on 6/7/2017) (Entered: 06/07/2017) |
| 06/07/2017 | <u>4</u> | NOTICE of Appearance by Aaron David Mackey (Mackey, Aaron) (Filed on 6/7/2017) (Entered: 06/07/2017) |
| 06/07/2017 | 5 | Case assigned to Hon. Vince Chhabria. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other |

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| | | <p>new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. (cfeS, COURT STAFF) (Filed on 6/7/2017) (Entered: 06/07/2017)</p> |
| 06/09/2017 | <u>6</u> | <p>Initial Case Management Scheduling Order with ADR Deadlines: This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and http://cand.uscourts.gov/cameras Case Management Statement due by 8/29/2017. Initial Case Management Conference set for 9/5/2017 01:30 PM in Courtroom 4, 17th Floor, San Francisco. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(farS, COURT STAFF) (Filed on 6/9/2017) (Entered: 06/09/2017)</p> |
| 06/09/2017 | <u>7</u> | <p>Summons Issued as to United States Department of Justice, U.S. Attorney and U.S. Attorney General (farS, COURT STAFF) (Filed on 6/9/2017) (Entered: 06/09/2017)</p> |
| 06/13/2017 | <u>8</u> | <p>SUMMONS Returned Executed (FOIA) by Electronic Frontier Foundation. United States Department of Justice served on 6/9/2017, answer due 7/10/2017. (Crocker, Andrew) (Filed on 6/13/2017) (Entered: 06/13/2017)</p> |
| 07/10/2017 | <u>9</u> | <p>NOTICE of Appearance by Julia Alexandra Berman (Berman, Julia) (Filed on 7/10/2017) (Entered: 07/10/2017)</p> |
| 07/10/2017 | <u>10</u> | <p>ANSWER to Complaint by United States Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Berman, Julia) (Filed on 7/10/2017) (Entered: 07/10/2017)</p> |
| 08/15/2017 | <u>11</u> | <p>ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Mackey, Aaron) (Filed on 8/15/2017) (Entered: 08/15/2017)</p> |
| 08/15/2017 | <u>12</u> | <p>NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Mackey, Aaron) (Filed on 8/15/2017) (Entered: 08/15/2017)</p> |
| 08/15/2017 | <u>13</u> | <p>ADR Clerk's Notice Setting ADR Phone Conference on Tuesday, August 29, 2017, at 3:00 PM Pacific time. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (af, COURT STAFF) (Filed on 8/15/2017) (Entered: 08/15/2017)</p> |
| 08/23/2017 | <u>14</u> | <p>CLERK'S NOTICE RESCHEDULING THE INITIAL CASE MANAGEMENT CONFERENCE. Case Management Statement due by 9/12/2017. Initial Case Management Conference set for 9/19/2017 01:30 PM in Courtroom 4, 17th Floor, San Francisco. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (knm, COURT STAFF) (Filed on 8/23/2017) (Entered: 08/23/2017)</p> |
| 08/29/2017 | <u>15</u> | <p>ADR Remark: ADR Phone Conference held by Tamara Lange on August 29, 2017. (af, COURT STAFF) (Filed on 8/29/2017) <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (Entered: 08/29/2017)</p> |
| 09/12/2017 | <u>16</u> | <p>JOINT CASE MANAGEMENT STATEMENT filed by Electronic Frontier Foundation. (Mackey, Aaron) (Filed on 9/12/2017) (Entered: 09/12/2017)</p> |
| 09/12/2017 | <u>17</u> | <p>STIPULATION WITH PROPOSED ORDER <i>to Set Production Schedule and Vacate Case Management Conference</i> filed by Electronic Frontier Foundation. (Mackey, Aaron) (Filed on 9/12/2017) (Entered: 09/12/2017)</p> |
| 09/13/2017 | <u>18</u> | <p>Order by Hon. Vince Chhabria granting <u>17</u> Stipulation to Set Production Schedule and Vacate Case Management Conference. Status Report due by 10/19/2017 and the 15th day of each month thereafter until the processing of records is complete.(knm, COURT STAFF) (Filed on 9/13/2017) (Entered: 09/13/2017)</p> |
| 10/19/2017 | <u>19</u> | <p>STATUS REPORT <i>Joint Status Report</i> by United States Department of Justice. (Berman, Julia) (Filed on 10/19/2017) (Entered: 10/19/2017)</p> |

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| 11/15/2017 | <u>20</u> | STATUS REPORT <i>Joint Status Report</i> by United States Department of Justice. (Berman, Julia) (Filed on 11/15/2017) (Entered: 11/15/2017) |
| 12/15/2017 | <u>21</u> | STATUS REPORT <i>Joint Status Report</i> by United States Department of Justice. (Berman, Julia) (Filed on 12/15/2017) (Entered: 12/15/2017) |
| 01/16/2018 | <u>22</u> | STATUS REPORT <i>Joint Status Report</i> by United States Department of Justice. (Berman, Julia) (Filed on 1/16/2018) (Entered: 01/16/2018) |
| 02/15/2018 | <u>23</u> | STATUS REPORT <i>Joint Status Report</i> by United States Department of Justice. (Berman, Julia) (Filed on 2/15/2018) (Entered: 02/15/2018) |
| 03/15/2018 | <u>24</u> | Joint Status Report by United States Department of Justice. (Berman, Julia) (Filed on 3/15/2018) Modified on 3/16/2018 (fabS, COURT STAFF). (Entered: 03/15/2018) |
| 04/16/2018 | <u>25</u> | STATUS REPORT <i>Joint Status Report</i> by United States Department of Justice. (Berman, Julia) (Filed on 4/16/2018) (Entered: 04/16/2018) |
| 05/15/2018 | <u>26</u> | JOINT STATUS REPORT by United States Department of Justice. (Berman, Julia) (Filed on 5/15/2018) Modified on 5/16/2018 (fabS, COURT STAFF). (Entered: 05/15/2018) |
| 06/15/2018 | <u>27</u> | STATUS REPORT <i>Joint Status Report</i> by United States Department of Justice. (Berman, Julia) (Filed on 6/15/2018) (Entered: 06/15/2018) |
| 07/16/2018 | <u>28</u> | STATUS REPORT <i>Joint Status Report</i> by United States Department of Justice. (Heiman, Julia) (Filed on 7/16/2018) (Entered: 07/16/2018) |
| 07/19/2018 | <u>29</u> | ORDER RE SUMMARY JUDGMENT BRIEFING. Cross Motions due by 10/19/2018. Motions due by 9/14/2018. Motion Hearing set for 12/13/2018 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria.. Signed by Judge Vince Chhabria on 7/19/2018. (knm, COURT STAFF) (Filed on 7/19/2018) (Entered: 07/19/2018) |
| 09/13/2018 | <u>30</u> | STIPULATION WITH PROPOSED ORDER <i>Stipulated Request for an Extension of the Summary Judgment Briefing Schedule</i> filed by United States Department of Justice. (Heiman, Julia) (Filed on 9/13/2018) (Entered: 09/13/2018) |
| 09/14/2018 | <u>31</u> | Order by Judge Vince Chhabria granting <u>30</u> Stipulated Request for an Extension of the Summary Judgment Briefing Schedule. Motion Hearing set for 12/20/2018 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria.(knm, COURT STAFF) (Filed on 9/14/2018) (Entered: 09/14/2018) |
| 09/24/2018 | <u>32</u> | MOTION for Summary Judgment filed by United States Department of Justice. Motion Hearing set for 12/20/2018 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria. Responses due by 10/29/2018. Replies due by 11/19/2018. (Attachments: # <u>1</u> Table of Exhibits, # <u>2</u> Exhibit 1 (Declaration of Michael G. Seidel), # <u>3</u> Exhibit 1-A (Termination Procedures), # <u>4</u> Exhibit 1-B (Vaughn Index))(Heiman, Julia) (Filed on 9/24/2018) (Entered: 09/24/2018) |
| 10/29/2018 | <u>33</u> | Cross MOTION for Partial Summary Judgment <i>and Opposition to Defendants Motion for Partial Summary Judgment</i> filed by Electronic Frontier Foundation. Motion Hearing set for 12/20/2018 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria. Responses due by 11/19/2018. Replies due by 12/10/2018. (Attachments: # <u>1</u> Declaration of Andrew Crocker, # <u>2</u> Exhibit Table of Exhibits, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H)(Mackey, Aaron) (Filed on 10/29/2018) (Entered: 10/29/2018) |
| 11/19/2018 | <u>34</u> | REPLY (re <u>32</u> MOTION for Summary Judgment) <i>Reply in Support of Defendant's Motion for Partial Summary Judgment and Opposition to Plaintiff's Cross-Motion for Partial Summary Judgment</i> filed by United States Department of Justice. (Heiman, Julia) (Filed on 11/19/2018) (Entered: 11/19/2018) |
| 12/10/2018 | <u>35</u> | REPLY (re <u>33</u> Cross MOTION for Partial Summary Judgment <i>and Opposition to Defendants Motion for Partial Summary Judgment</i>) filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Declaration of Aaron Mackey, # <u>2</u> Exhibit Table of Exhibits, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B)(Crocker, Andrew) (Filed on 12/10/2018) (Entered: 12/10/2018) |

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| 12/12/2018 | <u>36</u> | ERRATA re <u>35</u> Reply to Opposition/Response, <i>ISO of Its Cross Motion for Partial Summary Judgment</i> by Electronic Frontier Foundation. (Mackey, Aaron) (Filed on 12/12/2018) (Entered: 12/12/2018) |
| 12/20/2018 | <u>37</u> | Minute Entry for proceedings held before Judge Vince Chhabria: Motion Hearing held on 12/20/2018 re <u>32</u> MOTION for Summary Judgment filed by United States Department of Justice, <u>33</u> Cross MOTION for Partial Summary Judgment and Opposition to Defendants Motion for Partial Summary Judgment filed by Electronic Frontier Foundation. Defendant is allowed to file under seal, for in camera review, more supporting documentation, as discussed in court. The deadline to file the documentation is 1/31/2019. FTR Time: 10:22 – 10:37. Plaintiff Attorney: Aaron Mackey and David Green. Defendant Attorney: Julia Heiman. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (knm, COURT STAFF) (Date Filed: 12/20/2018) Modified on 4/1/2019: Matter transcribed by Peggy Schuerger (AdHoc Reporting). (rjdS, COURT STAFF). (Entered: 12/20/2018) |
| 01/22/2019 | <u>38</u> | ADMINISTRATIVE MOTION for a Stay in Light of Lapse of Appropriations filed by United States Department of Justice. Responses due by 1/28/2019. (Attachments: # <u>1</u> Declaration of Julia A. Heiman in Support of Unopposed Administrative Motion, # <u>2</u> Proposed Order)(Heiman, Julia) (Filed on 1/22/2019) (Entered: 01/22/2019) |
| 01/22/2019 | <u>39</u> | Order by Judge Vince Chhabria granting <u>38</u> Administrative Motion for a Stay. The January 31, 2019, deadline for the government to file its supplemental declaration is extended to 21 days after the Department of Justices funding has been restored.(knm, COURT STAFF) (Filed on 1/22/2019) (Entered: 01/22/2019) |
| 01/28/2019 | <u>40</u> | NOTICE by United States Department of Justice <i>Notice to the Court of Restoration of Appropriations</i> (Heiman, Julia) (Filed on 1/28/2019) (Entered: 01/28/2019) |
| 02/15/2019 | <u>41</u> | NOTICE by United States Department of Justice <i>Notice of Lodging of Classified FBI Declaration for Ex Parte, In Camera Review</i> (Heiman, Julia) (Filed on 2/15/2019) (Entered: 02/15/2019) |
| 04/01/2019 | <u>42</u> | ORDER RE PRODUCTION OF TRANSCRIPT. Signed by Judge Vince Chhabria on 4/1/2019. (knm, COURT STAFF) (Filed on 4/1/2019) (Entered: 04/01/2019) |
| 04/02/2019 | <u>43</u> | Transcript of Proceedings held on 12/20/2018, before Judge Vince Chhabria. Court Reporter/Transcriber Peggy Schuerger/Ad Hoc Reporting, telephone number (619) 228-3774/adhocreporting@aol.com. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 4/23/2019. Redacted Transcript Deadline set for 5/3/2019. Release of Transcript Restriction set for 7/1/2019. (pls, COURT STAFF) (Filed on 4/2/2019) (Entered: 04/02/2019) |
| 04/02/2019 | <u>44</u> | TRANSCRIPT ORDER for proceedings held on 12/20/2018 before Judge Vince Chhabria by Electronic Frontier Foundation, for Court Reporter FTR – San Francisco. (Mackey, Aaron) (Filed on 4/2/2019) (Entered: 04/02/2019) |
| 05/03/2019 | <u>45</u> | NOTICE by United States Department of Justice <i>Notice of Filing of Redacted Version of the Classified FBI Declaration the Government Lodged with the Court Ex Parte and In Camera on February 15, 2019</i> (Attachments: # <u>1</u> Exhibit 1)(Heiman, Julia) (Filed on 5/3/2019) (Entered: 05/04/2019) |
| 05/14/2019 | <u>46</u> | ORDER GRANTING PLAINTIFFS MOTION FOR PARTIAL SUMMARY JUDGMENT AND DENYING DEFENDANTS MOTION FOR PARTIAL SUMMARY JUDGMENT. Case Management Statement due by 5/22/2019. Telephonic Further Case Management Conference set for 5/29/2019 09:30 AM. |

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| | | The plaintiff should provide the Court and all other parties a conference line and applicable access code to use during the hearing no later than three court days prior to the case management conference by way of email to the Court (vccrd@cand.uscourts.gov) with a Cc to opposing counsel. Signed by Judge Vince Chhabria on 5/14/2019. (knm, COURT STAFF) (Filed on 5/14/2019) (Entered: 05/14/2019) |
| 05/22/2019 | <u>47</u> | JOINT CASE MANAGEMENT STATEMENT filed by Electronic Frontier Foundation. (Mackey, Aaron) (Filed on 5/22/2019) (Entered: 05/22/2019) |
| 05/29/2019 | 48 | Minute Entry for proceedings held before Judge Vince Chhabria: Telephonic Further Case Management Conference held on 5/29/2019. Case Management Statement due by 7/24/2019. Further Case Management Conference set for 7/31/2019 10:30 AM in San Francisco, Chambers. Total Time in Court: 3 minutes. Hearing not reported or recorded. Plaintiff Attorney: Aaron Mackey and Andrew Crocker. Defendant Attorney: Julia Heiman. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (knm, COURT STAFF) (Date Filed: 5/29/2019) (Entered: 05/29/2019) |
| 07/24/2019 | <u>49</u> | CASE MANAGEMENT STATEMENT <i>Joint Case Management Statement</i> filed by United States Department of Justice. (Heiman, Julia) (Filed on 7/24/2019) (Entered: 07/24/2019) |
| 07/31/2019 | 50 | Minute Entry for proceedings held before Judge Vince Chhabria: Telephonic Further Case Management Conference held on 7/31/2019. The parties are in discussions regarding attorneys' fees, but if they don't reach agreement, a Motion Hearing is set for 11/7/2019 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria. Total Time in Court: 3 minutes. Hearing not reported or recorded. Plaintiff Attorney: Aaron Mackey and Andrew Crocker. Defendant Attorney: Julia Heiman. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (knm, COURT STAFF) (Date Filed: 7/31/2019) (Entered: 07/31/2019) |
| 07/31/2019 | <u>51</u> | STIPULATION WITH PROPOSED ORDER <i>Stipulation Regarding Records Reflecting Determinations of Whether to Maintain or Terminate Nondisclosure Orders and Stipulated Request to Set a Briefing Schedule</i> filed by United States Department of Justice. (Heiman, Julia) (Filed on 7/31/2019) (Entered: 07/31/2019) |
| 08/06/2019 | <u>52</u> | Order by Judge Vince Chhabria granting <u>51</u> Stipulation Regarding Records Reflecting Determinations of Whether to Maintain or Terminate Nondisclosure Orders and Stipulated Request to Set a Briefing Schedule. Motions due by 9/27/2019. Responses due by 10/18/2019. Replies due by 10/28/2019. (knm, COURT STAFF) (Filed on 8/6/2019) (Entered: 08/06/2019) |
| 09/19/2019 | <u>53</u> | STIPULATION WITH PROPOSED ORDER <i>Stipulated Request to Extend Briefing Schedule to Address Attorneys' Fees and Costs</i> filed by United States Department of Justice. (Heiman, Julia) (Filed on 9/19/2019) (Entered: 09/19/2019) |
| 09/20/2019 | <u>54</u> | Order by Judge Vince Chhabria granting <u>53</u> Stipulated Request to Extend Briefing Schedule to Address Attorneys' Fees and Costs. Motion Hearing set for 12/5/2019 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria.(knm, COURT STAFF) (Filed on 9/20/2019) (Entered: 09/20/2019) |

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| 10/17/2019 | <u>55</u> | STIPULATION WITH PROPOSED ORDER <i>Second Stipulated Request to Extend Briefing Schedule to Address Attorneys' Fees and Costs</i> filed by United States Department of Justice. (Heiman, Julia) (Filed on 10/17/2019) (Entered: 10/17/2019) |
| 10/22/2019 | <u>56</u> | <p>Order as modified by Judge Vince Chhabria granting <u>55</u> Second Stipulated Request to Extend Briefing Schedule to Address Attorneys' Fees and Costs.</p> <p>Motions due by 11/22/2019. Responses due by 12/13/2019. Replies due by 12/23/2019. Motion Hearing set for 1/9/2020 10:00 AM in San Francisco, Courtroom 04, 17th Floor before Judge Vince Chhabria.</p> <p><i>*NO FURTHER EXTENSIONS WILL BE GRANTED.</i></p> <p>(knm, COURT STAFF) (Filed on 10/22/2019) (Entered: 10/22/2019)</p> |
| 11/21/2019 | <u>57</u> | NOTICE by United States Department of Justice <i>Notice of Settlement and Request to Vacate Briefing</i> (Heiman, Julia) (Filed on 11/21/2019) (Entered: 11/21/2019) |
| 12/03/2019 | <u>58</u> | ORDER OF DISMISSAL. Signed by Judge Vince Chhabria on 12/3/2019. (knm, COURT STAFF) (Filed on 12/3/2019) (Entered: 12/03/2019) |